

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**May 29, 1998**

**DIVISION TWO**

Court convened at 9:15 A.M.

Present: Boren, P.J., Fukuto, J., Nott, J., Zebrowski, J., and G. Villanueva, Deputy Clerk.

Each of the following:

B111794 People v. Celis  
B112855 People v. Castro  
B111159 People v. Bell & Randle  
B116799 People v. Benavides  
B113059 People v. Atlas  
B114128 People v. Dione H.  
B113037 People v. Alvarez  
B106478 Daehlin v. Lindin  
B107934 Blatt v. Hasbun  
B114257 People v. Breen  
B106934 People v. Brambles  
B111219 Breakman v. Carlson  
B111478 People v. Markius S.  
B112451 People v. Williams  
B110981 People v. Jackson  
B107976 People v. Michael P.  
B109027 People v. Humphrey  
B116236 Matter of Ronaldo A.  
B117678 Gloria A. v. Sup. Ct.  
B120150 Edward G. v. Sup. Ct.  
B111644 People v. Evans  
B114994 People v. Jordan  
B109210 People v. King  
B114689 People v. Lewis  
B112336 People v. Grijalva  
B111081 Efros v. Landmark Town Homes  
B120303 Patricia Ann J. v. Sup. Ct.  
B112961 People v. Parker  
B109077 People v. Davalos, et al.

Argument waived, cause submitted.

DIVISION TWO (Continued)

B108951     Estate of Miller  
              v.  
              Lee

Merits:

Argued by Duke Peters for appellant and by Robert Masenga for respondent. Cause submitted.

B112908     Stephenson  
              v.  
              Babineau

Merits:

Argued by Todd Nevell for appellant and by Richard Koep for respondent. Cause submitted.

B111425     People  
              v.  
              Morris

Merits:

Argued by Brent Riggs, Deputy District Attorney for appellant and by Verna Wefald for respondent. Cause submitted.

B108836     Yancy  
              v.  
              Taylor

Merits:

Argued by Robert McNeill for appellant and by Jeffrey Leo for respondent. Cause submitted.

DIVISION TWO (Continued)

B110785 Jones  
v.  
South Bay Brokers

Merits:  
Argued by Dennis Jones for appellant and by Leslie Price for respondent.  
Cause submitted.

B108002 Bresnahan  
v.  
Chrysler Corporation

Merits:  
Argued by Sidney Kanazawa for appellant and by Mukesh Advani for  
respondent. Cause submitted.

B112153 Gugliotta  
v.  
Health Net

Merits:  
Argued by Philip Brown for appellant and by Jeanette Viau for respondent.  
Cause submitted.

B098070 Sanchez  
v.  
T & A Taco  
(Micho's Oyster Company, r.p.i.)

Merits:  
Argued by Jonathan Milberg for appellant and by Gerald Peters and Robert  
Harrison for respondents. Cause submitted.

## DIVISION TWO (Continued)

B104031      Winograd  
v.  
American Broadcasting Co.

Merits:  
Argued by Lester Ostrov for appellant and by Paul Shardlow for respondent. Cause submitted.

Mr. Justice Zebrowski leaves the bench.

B107645      Holguin  
v.  
State of California

Merits:  
Argued by Dennis Elber for appellant and by Dianne Costales for respondent. Cause submitted.

Court adjourned.

B104193 People (Not for Publication)  
v.  
Miller

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., and Nott, J.

DIVISION THREE

B101389      Ilse Koch                    (Not for Publication)  
v.  
Klaus Koch

The judgment is affirmed in part and reversed in part. The matter of the valuation of the Santa Monica property is reversed with directions to the trial court to recompute the value, giving Ilse credit for the increase in value to the said property as a result of her separate property contribution. The parties to bear their own costs on appeal.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

B108818      Gene Matsumoto, et al.      (Not for Publication)  
v.  
Barbara Tomita, et al.

Order of dismissal affirmed. Respondent is awarded costs on appeal.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

B094896 Robert V. Paskus (Not for Publication)  
B101201 v.  
Night Vision Corporation, etc. et al.

Judgment in Paskus I affirmed. The trial court is directed to modify its sanction order in Paskus II to eliminate the sanctions ordered payable to opposing counsel. As modified, the sanction order is affirmed. In all other respects the judgments in Paskus II are reversed. Appellant Paskus is awarded costs on appeal.

Aldrich, J.

We concur:   Croskey, Acting P.J.  
                  Kitching, J.

### DIVISION THREE (Continued)

B110582      People                                  (Not for Publication)  
v.  
Domenico Aiello

The judgment is affirmed.

Klein, P.J.

We concur:   Croskey, J.  
                      Goodman, J. (Assigned)

B105929      People      (Not for Publication)  
v.  
Joseph Frank Messina and Charles Edward Arman

The judgments are affirmed.

Klein, P.J.

We concur: Aldrich, J.  
Goodman, J. (Assigned)

B116162      People                                  (Not for Publication)  
v.  
Rasheed Walker

The Court:

The judgment is affirmed.

Klein, P.J., Croskey, J., Aldrich, J.

DIVISION FOUR

B088559     Mosier  
              v.  
              Southern California Physicians

Filed order denying petition for rehearing.

B107599     Schilling  
              v.  
              Safeco Insurance Company

Filed order denying petition for rehearing.

B103274     Farokhzad  
              v.  
              National Pizza Company

Filed order denying petition for rehearing.

B090764     Bell  
              v.  
              State of California

Filed order modifying opinion. (No change in the judgment.)

B110705     Adelberg  
              v.  
              Franchise Tax Board

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment.)

B103103     International Engine Parts  
              v.  
              Feddersen and Company

Filed order certifying opinion for publication.

DIVISION FIVE

B110114      People                                  (Not for Publication)  
v.  
Gregory Roman

The special circumstances finding is ordered stricken. The abstract of judgment is ordered corrected to show that appellant's sentence is 26 years to life. The judgment of conviction is affirmed in all other respects.

Armstrong, J.

I concur: Grignon, J.  
I dissent: Turner, P.J. (Opinion)

B096708      Martin Marietta Corporation, et al.      (Not for Publication)  
v.  
Certain Underwriters at Lloyd's London

The judgment is affirmed in part and reversed in part, as follows:

That portion of the judgment which incorporates the ruling granting summary adjudication to Lloyd's on the concealment defense on the 1961 to 1972 policies is affirmed, as is that portion of the judgment which incorporates the jury verdict on Lloyd's concealment defense on the 1958 - 1961 policies.

That portion of the judgment which incorporates the jury verdict in favor of Lloyd's on its claim that the 1973 release in the Harvey Aluminum litigation fully released specified policies covering periods from 1957 to 1969 is affirmed.

That portion of the judgment which incorporates the ruling granting summary adjudication to Lloyd's on its contention that it had no obligation to Martin Marietta under the policies in effect between December 15, 1953 and January 1, 1958 for liabilities relating to the OII site is affirmed.

Those portions of the judgment which incorporate the rulings granting summary adjudication to Lloyd's on the application of the pollution exclusion in the 1972-1986 policies to the Waterton site and the Orlando sites are reversed.



DIVISION FIVE (Continued)

B096708      Martin Marietta Corporation, et al. v. Certain Underwriters at Lloyd's London  
(Cont'd.)

That portion of the judgment which incorporates the ruling granting summary adjudication to Lloyd's on the application of the pollution exclusion in the 1972-1986 policies to the Metals Plume at the Ocala site is affirmed. That portion of the judgment which incorporates the ruling granting summary adjudication to Lloyd's on the application of the pollution exclusion in the 1972-1986 policies to the VOC Plume at the Ocala site is reversed.

That portion of the judgment which incorporates the ruling granting summary adjudication to Lloyd's on the application of the pollution exclusion in the 1972-1986 policies to the Green River site is affirmed.

That portion of the judgment which incorporates the ruling granting summary adjudication to Lloyd's on the application of the pollution exclusion in the 1972-1986 policies to the Dalles, Goldendale, and OII sites is affirmed. Each side to bear its own costs on appeal.

Armstrong, J.

We concur:    Turner, P.J.  
                     Grignon, J.

DIVISION SEVEN

B112374      City of Vernon  
                     v.  
                     Board of Harbor Commissioner

Filed order modifying opinion. (No change in the judgment.)